

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

ALBEMARLE CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 1:23-cv-600
	:	
OLIN CORPORATION,	:	
	:	
Defendant.	:	
	:	

AMENDED JOINT DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26(f), counsel for the parties conferred via videoconference on July 14, 2023, with follow-up communications via e-mail, and submitted a joint discovery plan for the Court's consideration on July 27, 2023 (Doc. 24). Following receipt of the Court's Order of August 11, 2023 (Doc. 30), the parties have again conferred and respectfully submit this amended joint discovery plan.

Initial Disclosures

The parties exchanged initial disclosures, in the form required by Fed. R. Civ. P. 26(a), on July 31, 2023, subject to their continuing duty to supplement.

Limitations on Discovery

The parties have agreed to abide, in the first instance, by Fed. R. Civ. P. 30(a)(2)(A)(i)'s limitation of 10 depositions per party and Fed. R. Civ. P. 33(a)(1)'s limitation of 25 interrogatories per party, subject to the reserved right of any party to timely seek leave of Court to take additional depositions or serve additional interrogatories. The parties acknowledge that

the Court's Order of August 11, 2023 increases the permissible number of interrogatories per party to 30.

Schedule for Discovery and Other Pretrial Events

In this section, the parties set forth two alternative schedules. The first schedule complies with the provision of the Court's Order of August 11, 2023 that requires all discovery to be completed by January 14, 2024. However, the parties respectfully submit that it is not feasible to complete all document, deposition, and expert discovery in a case of this nature and anticipated scope within that abbreviated time frame, especially in light of the fact that, as of the date of this filing, the pleadings are not yet closed, and there is the prospect of counterclaims and affirmative defenses that would tend to expand the scope of necessary discovery. (The Defendant's motion for a more definite statement or, in the alternative, for reconsideration of the Court's order denying the Defendant's motion to dismiss (Doc. 20) is fully briefed and ripe for decision.)

If the Court proves unwilling to reconsider the January 14, 2024 discovery deadline at the present time, then the parties propose the following schedule, subject to the reserved right of any party to timely seek leave of Court to extend any deadline for good cause, including any amended complaint, counterclaims, or affirmative defenses that expand the scope of the lawsuit:

- December 1, 2023 – Fact discovery complete
- December 8, 2023 – Expert disclosures under Fed. R. Civ. P. 26(a)(2) for any claim on which the serving party has the burden of proof, including any report required by Fed. R. Civ. P. 26(a)(2)(B)
- December 29, 2023 – Rebuttal expert disclosures
- January 12, 2024 – Expert discovery complete
- January 26, 2024 – Motions pursuant to Fed. R. Civ. P. 56 or Fed. R. Evid. 702

- February 9, 2024 – Responses to Fed. R. Civ. P. 56/Fed. R. Evid. 702 motions
- February 16, 2024 – Replies in support of Fed. R. Civ. P. 56/Fed. R. Evid. 702 motions

The parties further agree that the following schedule for fact and expert discovery, and for motions pursuant to Fed. R. Civ. P. 56 and Fed. R. Evid. 702, is more realistic than the preceding schedule, given the anticipated scope and complexity of this case, subject to the reserved right of any party to timely seek leave of Court to extend any deadline for good cause, including any amended complaint, counterclaims, or affirmative defenses that expand the scope of the lawsuit:

- February 15, 2024 – Fact discovery complete
- March 14, 2024 – Expert disclosures under Fed. R. Civ. P. 26(a)(2) for any claims on which the serving party has the burden of proof, including any report required by Fed. R. Civ. P. 26(a)(2)(B)
- May 23, 2024 – Rebuttal expert disclosures
- June 20, 2024 – Expert discovery complete
- July 18, 2024 – Motions pursuant to Fed. R. Civ. P. 56 or Fed. R. Evid. 702
- August 8, 2024 – Responses to Fed. R. Civ. P. 56/Fed. R. Evid. 702 motions
- August 22, 2024 – Replies in support of Fed. R. Civ. P. 56/Fed. R. Evid. 702 motions

Expert Disclosures

The parties agreed to a Joint Motion for Order Regarding Expert Discovery, which has been submitted separately for the Court's consideration (Doc. 26) and remains pending. The parties have also agreed, subject to the Court's approval, to the alternative schedules for expert disclosures and discovery set forth above.

Discovery of Electronically Stored Information

The parties agreed to a Joint Motion for Order Governing Production of Electronically Stored Information, which has been submitted separately for the Court's consideration (Doc. 28) and remains pending.

Protective Order / Claims of Privilege or Work-Product Protection

The parties agreed to a Joint Motion for Protective Order (Doc. 25), which the Court granted on August 14, 2023 (Doc. 31).

Methods of Service

The parties have consented to service via e-mail to all counsel of record of any papers that are required to be served but that are not automatically served via the Court's electronic filing system.

Potential for Prompt Settlement/Resolution

The parties do not believe there is a realistic prospect of early resolution of this case but anticipate revisiting this issue once substantial fact discovery has been completed.

Trial Before the Magistrate Judge

The parties are considering this issue and will be prepared to discuss at the pretrial conference presently scheduled to take place on August 30, 2023.

Dated: August 23, 2023

/s/ William T. DeVinney

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Respectfully submitted,

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Certificate of Service

I certify that on August 23, 2023, this Amended Joint Discovery Plan was served on all counsel of record via the Court's electronic filing system.

/s/ *William T. DeVinney*

William T. DeVinney